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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/800,309	03/12/2004	Peter T. Barrett	MS1-1794US	1753
22801	7590	10/05/2007		
LEE & HAYES PLLC 421 W RIVERSIDE AVENUE SUITE 500 SPOKANE, WA 99201			EXAMINER JEAN, FRANTZ B	
			ART UNIT 2154	PAPER NUMBER
			MAIL DATE 10/05/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for-reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/800,309

Applicant(s)

BARRETT ET AL

Examiner

Frantz B. Jean

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 March 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-38 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13, 15-36 and 38 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 3/12/04, 12/12/05
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

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This is a first office action in response to application for patent filed on 03/12/04. Claims 1-38 are presented for examination.

Information Disclosure Statement

The information disclosure statement (IDS) submitted on 3/12/04 and 12/12/05 is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1- 12, 15-36 and 38 are rejected under 35 U.S.C. 102(e) as being anticipated by Boivie et al. hereinafter Boivie.

As per claim 1, Boivie teaches one or more processor-accessible media comprising processor-executable instructions that, when executed, direct at least one device to perform actions comprising: tracking respective media data portions based on respective numbers of requesting clients (col. 3 lines 55 to col. 4 lines 31); ranking the

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respective media data portions in accordance with their respective numbers of requesting clients (col. 7 line 35 to col. 8 line 35); and determining which media data portions have a popularity that is above a predetermined popularity percentage responsive to the ranking (col. 8 lines 11-57).

As per claim 2, Boivie teaches one or more processor-accessible media as recited in claim 1, wherein: the action of tracking comprises an action of: tracking the respective media data portions based on the respective numbers of requesting clients on a per-media data block basis; and the action of ranking comprises an action of: ranking the respective media data portions in accordance with their respective numbers of requesting clients on a per-byte basis (col. 3 line 55 to col. 4 line 35).

As per claim 3, Boivie teaches one or more processor-accessible media as recited in claim 1, wherein: the action of tracking comprises an action of: tracking the respective media data portions based on the respective numbers of requesting clients at a first granularity level; and the action of ranking comprises an action of: ranking the respective media data portions in accordance with their respective numbers of requesting clients at a second, different granularity level (col.7 line 18 to col. 8 line 10).

As per claim 4, Boivie teaches one or more processor-accessible media as recited in claim 1, comprising the processor-executable instructions that, when executed, direct the at least one device to perform a further action comprising: replicating the media data

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portions that are determined to have a popularity that is above the predetermined popularity percentage (col. 6 lines 26-44).

As per claim 5, Boivie teaches one or more processor-accessible media as recited in claim 4, wherein the action of replicating comprises an action of: storing respective media data portions, which are determined to have a popularity that is above the predetermined popularity percentage, in association with respective senders that hold a secondary role for respective bins in a hash table (154), the respective media data portions hashing to the respective bins (col. 6 lines 26 et seq).

As per claim 6, Boivie teaches one or more processor-accessible media as recited in claim 1, comprising the processor-executable instructions that, when executed, direct the at least one device to perform a further action comprising: establishing a hash table having a plurality of bins (buckets), a particular bin of the plurality of bins including a primary role and a secondary role; the primary role associated with a primary sender that is associated with media data portions mapping to the particular bin, and the secondary role associated with a secondary sender that is associated with those media data portions that are determined to have a popularity that is above the predetermined popularity percentage (col. 7 line 35 to col. 8 line 10).

As per claim 7, Boivie teaches one or more processor-accessible media comprising processor-executable instructions that, when executed, direct at least one device to

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perform actions comprising: combining a media data segment number and a media data block number to form a media data identification value, the media data block number corresponding to a media data block of a media data segment that corresponds to the media data segment number; applying the media data identification value to a hashing function to produce a media data hash value; and mapping the media data hash value to a bin of a hash table (154) (col. 3 line 55 to col. 4 line 32; col. 7 line 52 to col. 8 line 35).

As per claim 8, Boivie teaches one or more processor-accessible media as recited in claim 7, comprising the processor-executable instructions wherein the bin of the hash table (154) is associated with a sender that is capable of sending the media data block to a client (col. 3 lines 55-65).

As per claim 9, Boivie teaches one or more processor-accessible media as recited in claim 7, comprising the processor-executable instructions that, when executed, direct the at least one device to perform a further action comprising: storing the media data block in a device associated with the bin of the hash table (154) (col. 3 line 55 to col. 4 line 35).

As per claim 10, Boivie teaches one or more processor-accessible media as recited in claim 9, wherein the action of storing the media data block comprises an action of: storing the media data block in association with a sender that is associated with the bin

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of the hash table, the sender functioning on the device (154) (col. 3 line 55 to col. 4 line 35).

As per claim 11, Boivie teaches one or more processor-accessible media as recited in claim 7, comprising the processor-executable instructions that, when executed, direct the at least one device to perform a further action comprising: transmitting a send request that stipulates the media data block to a sender associated with the bin of the hash table (154), the sender capable of sending the media data block to a client (col. 7 line 51 to col. 8 line 35).

As per claim 12, Boivie teaches one or more processor-accessible media as recited in claim 7, wherein the action of combining comprises an action of: concatenating the media data segment number and the media data block number to form the media data identification value (col. 3 lines 4-65).

As per claim 15, Boivie teaches one or more processor-accessible media as recited in claim 7, wherein the action of mapping comprises an action of: mapping the media data hash value to the bin of the hash table, the bin of the hash table associated with a first device and a second device; wherein the first device has a primary role with respect to the bin and stores all media data blocks mapping thereto, and the second device has a secondary role with respect to the bin and stores media data blocks mapping thereto

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that also correspond to a predetermined popularity level (col. 3 line 55 to col. 4 line 32 and col. 7 line 52 to col. 8 line 35).

As per claims 16-23, they contain the same limitations as discussed in the claims above. Therefore, they are rejected under the same rationale.

As per claim 24, Boivie teaches a system comprising: a hash table including a plurality of bins, each given bin of the plurality of bins associating a given sender with media data blocks that map to the given bin; wherein a particular media data block corresponds to a particular media data block number and a media data segment number, the particular media data block number and the media data segment number combined into a particular media data identification value that is hashed to a particular media data hash value, the particular media data hash value mapping the particular media data block to a particular bin of the plurality of bins (col. 3 line 55 to col. 4 line 32 and col. 7 line 52 to col. 8 line 35)..

As per claims 25-36 and 38, they contain the same limitations as discussed in the claims above. Therefore, they are rejected under the same rationale.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Boivie.

As per claim 13, Boivie substantially teaches all the claim limitations as discussed above. However, Boivie fails to teach a LFSR. Official notice is taken that this feature is well known and recognized in the art to generate a value. One ordinary skill in the art at the time of the invention would incorporate a LFSR in Boivie's system to generate and produce the value necessary for the media data.

Claims 14 and 37 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

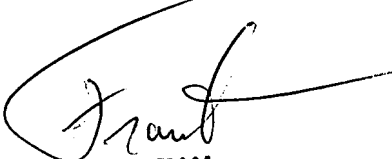
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Frantz B. Jean whose telephone number is 571-272-3937. The examiner can normally be reached on 8:30-6:00 M-f.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan J. Flynn can be reached on 571-272-1915. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Frantz Jean



FRANTZ B. JEAN
PRIMARY EXAMINER